# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### COLUMN AND STREET Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: VAN 9-2013

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear

the cost of such service unless good cause be shown for its failure to sign and return the waiver. It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

	Case 3:73-cv-00127-RCJ-WGC Document 1831 Filed 01/28/13. Page 1 012 se 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 2 of 45
Y G	DESCRIPTION 1
,	IN THE UNITED STATES DISTRICT COURT SERVED ON
2	FOR THE DISTRICT OF NEVADA COUNSELPARTIES OF RECORD
3	) JAN 2 8 2013
4	UNITED STATES OF AMERICA, ) CLERK US DISTRICT COURT
5	Plaintff ) DISTRICT OF NEVADA DEPUTY
6	WANKER RIVER PAILITE TRIBE.) ))
7	Plaintiff-Intervenor ) IN EQUITY NO. C-125
8	vs. ) SUBFILE NO. C-125-B
9	WALKER RIVER IRRIGATION DISTRICT, 1)
10	a corporation, et al.,
11	Defendant )
12.	Defendant
13	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
14	1. I hereby enter my appearance in this sub-proceeding in this case.
15	1
16	2. I am filing this document with the District Court at the following address:
	II Committee of the com
17	Chief Deputy Clerk United States District Court for the
17 18	United States District Court for the District of Nevada
	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301
18	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501
18 19	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501  In the envelope provided for return of my Waiver of Service of Notice in Lieu of
18 19 20	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501  In the envelope provided for return of my Waiver of Service of Notice in Lieu of Summons, I am mailing a copy of this document to: Susan L. Schneider
18 19 20 21	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501  In the envelope provided for return of my Waiver of Service of Notice in Lieu of Summons, I am mailing a copy of this document to:  Susan L. Schneider Attorney for the United States of America
18 19 20 21 22	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501  3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of Summons, I am mailing a copy of this document to:  Susan L. Schneider Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division
18 19 20 21 22 23	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501  3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of Summons, I am mailing a copy of this document to:  Susan L. Schneider Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division 999 18th Street, South Terrace - Suite 370
18 19 20 21 22 23 24	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501  3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of Summons, I am mailing a copy of this document to:  Susan L. Schneider Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division
18 19 20 21 .22 23 . 24 25	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501  3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of Summons, I am mailing a copy of this document to:  Susan L. Schneider Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division 999 18th Street, South Terrace - Suite 370
18 19 20 21 22 23 24 25 26	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501  3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of Summons, I am mailing a copy of this document to:  Susan L. Schneider Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division 999 18th Street, South Terrace - Suite 370 Denver, Colorado 80202
18 19 20 21 22 23 24 25 26 27	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501  3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of Summons, I am mailing a copy of this document to:  Susan L. Schneider Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division 999 18 <sup>th</sup> Street, South Terrace—Suite 370 Denver, Colorado 80202
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# Case 3:73-cv-00127-RCJ-WGC Document 1831. Filed 01/28/13 Page 2 of 2 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 3 of 45

I (or the entity on whose behalf I am acting) will retain all defenses or objections 1 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 2 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 3 If I (or the entity on whose behalf I am acting) have retained an attorney to 5. 4 represent me in these proceedings, I identify that attorney below, along with his or her mailing 5 address, telephone number, facsimile number, and e-mail address: 6 Attorney: 7 Address: 8 9 10 Phone Number: 11 Fax Number: 12 E-mail Address: 13 PLEASE NOTE: Attorneys are reminded that they are required to comply with the 14 electronic filing procedures of the U.S. District Court for District of Nevada. 15 "Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall 16 register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. 17 Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C. 18

> (Signature) (Printed of typed Name)

> > (Entity, if any, on whose

behalf you are appearing)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

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## Case 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 4 of 45

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: May 30, 20/3

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: TRUSTEE

(Title)
THE BARTON EDWARD FULSTONE AND MARGARET ALTA RUSTONE (Corporate, Trust, Partnership or other entity) FAMILY TRUST

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cv-00127-RCJ-WGC Document 1873 Filed 05/31/13 Page 2 of 2 Case 3:78-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 6 of 45

1	
2	Attorney: William E. Peterson
3	
4	Address: 50 West Liberty Street, Suite 510
5	Reno, Nevada 89501
6	
7	Phone Number: (775) 785-5440
8	Fax Number: (775) 785-5441
9	E-mail Address: wpeterson@swlaw.com
10	
11	<u>PLEASE NOTE:</u> Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.
12	"Attorneys who are admitted to the bar of this court, admitted to participate in a case pro
13	hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the
14	Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.
15	Dieta one i mig i recedules (iev. riag. 24, 2000) at i.e.
16	Suellan Fulstone
17	(Signature)
18	
19	Sugues FULSTONE
20	(Printed or typed Name)
21	BARTON EOWARD FULSTONE AND
22	MARGARET ALTA FULSTONE FAMILY TRU
23	(Entity, if any, on whose
24	behalf you are appearing)
25	P.O. Bot 87 TOPAZ, CA 96133
26	(Address)
27	(530) 495-2927
28	(Telephone number)
-11	ı

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 2 of 2

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

2013 JAN 10 PM 3: 29

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: Jan. 7, 2013

Signature

Sueller Julstone

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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1	IN THE UNITED STATE	
2	TOX THE DISTIG	
3	UNITED STATES OF AMERICA,	
5	Plaintff	
6	WALKER RIVER PAIUTE TRIBE, ) ) Plaintiff-Intervenor	) IN EQUITY NO. C-125
7		
8	VS.	SUBFILE NO. C-125-B
9	WALKER RIVER IRRIGATION DISTRICT,	
10	a corporation, et al.,	
11	Defendant	
12		
13	NOTICE OF APPEARANCE AND	D INTENT TO PARTICIPATE
14 15	I hereby enter my appearance in thi	s sub-proceeding in this case.
16	2. I am filing this document with the I	District Court at the following address:
17 18	Chief Deputy Clerk United States District Court for th District of Nevada	ne
19	400 South Virginia Street, Suite 3 Reno, Nevada 89501	01
21	<ol> <li>In the envelope provided for return</li> </ol>	of my Waiver of Service of Notice in Lieu of
22	Summons, I am mailing a copy of this document to	);
23	Susan L. Schneider Attorney for the United States of	America
	United States Department of Justi	ce
24	Environment & Natural Resource 999 18 <sup>th</sup> Street, South Terrace - St	
26	Denver, Colorado 80202	
27	,	
28		
20	NOTICE OF APPEARANCE AND INTENT TO	O PARTICIPATE 1

	<b></b>
1	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection
2	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec
3	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
4	5. If I (or the entity on whose behalf I am acting) have retained an attorney to
5	represent me in these proceedings, I identify that attorney below, along with his or her mailing
6	address, telephone number, facsimile number, and e-mail address:
7	Attorney: william E. Peterson
	Address: 50 W. Liberty, Suite 510
8	Reno, Nevada 89501
9	
10	Phone Number: (775) 785-5440
11	Fax Number: (775) 785-5441
12	E-mail Address: wpeterson@swlaw.com
13	PLEASE NOTE: Attorneys are reminded that they are required to comply with the
14	electronic filing procedures of the U.S. District Court for District of Nevada.
15	"Attorneys who are admitted to the bar of this court, admitted to participate in a case
16	pro hac vice, or who are authorized to represent the United States and its agencies, shall
17	register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D.
18	Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.
19	
20	(Signature)
21	Quellen Julstone
22	(Printed or typed Name)
23	Suellen Fulstone
24	(Entity, if any, on whose
	behalf you are appearing)
25	1885 Creek Crossing Road
26	Reno, NV 89511
27	(Address) _(775)_750=3214_(Mobile)_
28	(Telephone number)
- 11	1 2 to 10 10 10 10 10 10 10 10 10 10 10 10 10

# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 10 of 45

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/26/13

Signature Gilleland Ja

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

#### Case 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 11 of 45 1 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 2 3 UNITED STATES OF AMERICA, 4 Plaintff 5 WALKER RIVER PAIUTE TRIBE, ) 6 Plaintiff-Intervenor IN EQUITY NO. C-125 7 VS. SUBFILE NO. C-125-B 8 WALKER RIVER IRRIGATION DISTRICT, 9 10 a corporation, et al., 11 Defendant 12 13 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 14 1. I hereby enter my appearance in this sub-proceeding in this case. 15 2. I am filing this document with the District Court at the following address: 16 17 Chief Deputy Clerk United States District Court for the 18 District of Nevada 400 South Virginia Street, Suite 301 19 Reno, Nevada 89501 20 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of 21 Summons, I am mailing a copy of this document to: 22 Susan L. Schneider 23 Attorney for the United States of America United States Department of Justice 24 Environment & Natural Resources Division 999 18th Street, South Terrace - Suite 370 25 Denver, Colorado 80202 26 27 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

**EXHIBIT 48** 

e 3.73-0V-0	10127-WIMD-WGC Document 5 Filed 11/21/13 Page 12 0
4.	I (or the entity on whose behalf I am acting) will retain all defenses or objections
to the lawsuit	or to the jurisdiction or venue of the court except for objections based on a defect
in the Notice in	Lieu of Summons or in the service of the Notice in Lieu of Summons.
5.	If I (or the entity on whose behalf I am acting) have retained an attorney to
represent me in	n these proceedings, I identify that attorney below, along with his or her mailing
address, telepho	one number, facsimile number, and e-mail address:
· .	Attorney:

Address:

Phone Number:

Fax Number:

E-mail Address:

PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.

"Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.

(Signature)

Avery CGilleland dr (Printed or typed Name)

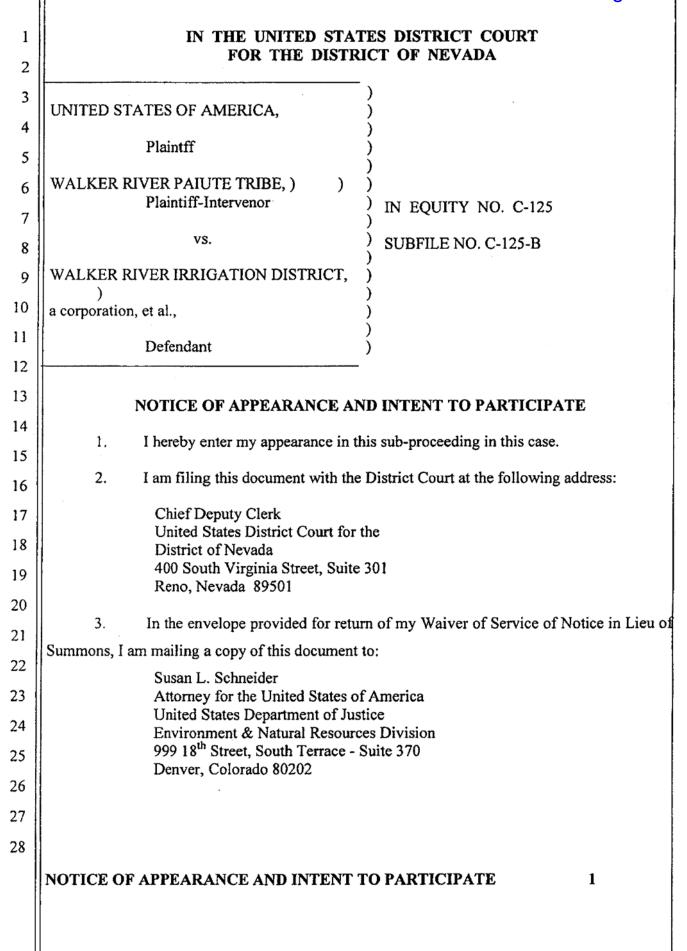
(Entity, if any, on whose behalf you are appearing)

(Address)

(Telephone number)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

### Case 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 13 of 45



**EXHIBIT 49** 

(Address) 530 495-2121

(Telephone number)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

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# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 15 of 45

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: 3/26/13	Deseral Sellelal
Date	Signature
<u>.</u>	Teresa A Gilleland
	Printed/Typed Name
	If you are acting on behalf of any entity, identify that you are
	acting as:
	(Title)
	(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 16 of 45

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 5/16/2013

George W Gilster Signature Carol D. Gilster GEORGE W GILSTER Printed/Typed Name If you are acting on behalf of any entity, identify that you are acting as: TRUSTEES (Title) EAMILY TRUST DATED 8/27 (Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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## Case 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 17 of 45

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: (Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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1	Case 3:73-cv-00127-RCJ-WGC Document 1810 Filed 01/11/13 Page 1 of 2				
Cas	e 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 18 of 45				
1 2	IN THE UNITED STATES DISTRICT COUPENSELPARTIES OF RECORD FOR THE DISTRICT OF NEVADA				
3	JAN 1 1 2013				
4	UNITED STATES OF AMERICA,  )  CLERK US DISTRICT COURT  DISTRICT OF NEVADA  J  BY:				
5	Plaintif				
6	WALKER RIVER PAIUTE TRIBE, ) ) ) Plaintiff-Intervenor ) IN EQUITY NO. C-125				
7 8	vs. SUBFILE NO. C-125-B				
. 9	WALKER RIVER IRRIGATION DISTRICT,				
10	a corporation, et al.,				
11	Defendant )				
12	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE				
14					
15	Division and deposits				
16					
17	Chief Deputy Clerk United States District Court for the District of Nevada				
19	400 South Virginia Street, Suite 301 Reno, Nevada 89501				
20	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of				
21	Summons, I am mailing a copy of this document to:				
22 23	Susan L. Schneider Attorney for the United States of America				
. 24	United States Department of Justice Environment & Natural Resources Division				
25	999 18 <sup>th</sup> Street, South Terrace - Suite 370 Denver, Colorado 80202				
26					
27					
28	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 1				
	HOTICE OF AITEMONTON IN THE STATE OF THE STA				

EXHIBIT 51

# 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 19 of 45

4.	I (or the entity on whose behalf I am acting) will retain all defenses or objections
to the lawsui	or to the jurisdiction or venue of the court except for objections based on a defect
in the Notice	in Lieu of Summons or in the service of the Notice in Lieu of Summons.

If I (or the entity on whose behalf I am acting) have retained an attorney to 5. represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Attorney:

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Address:

Phone Number:

Fax Number:

E-mail Address:

PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.

"Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

(Printed or typed Name

Olive Mae Graves

(Entity, if any, on whose behalf you are appearing)

2727 Midtown Court, Apt. 29 Palo Alto, CA 94303

(Telephone number)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 20 of 45

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case \$:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 22 of 45

I (or the entity on whose behalf I am acting) will retain all defenses or objections 4. to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 3 If I (or the entity on whose behalf I am acting) have retained an attorney to 4 represent me in these proceedings. I identify that attorney below, along with his or her mailing 5 address, telephone number, facsimile number, and e-mail address: 6 Attorney: George N. Benesch, Esq. .7 Address: 190 W. Huffaker Lane, Suite 408 Reno, NV 89511 8 9 10 Phone Number: 775-827-3100 775-827-3020 Fax Number: 11 E-mail Address: 12 gbenesch@sbcglobal.net 13 PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada. 14 15 "Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall 16 register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. 17 Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C. 18 19 (Signature) 20 21 (Printed or typed Name) George N. Benesch 22 Green Creek, LLC 23 (Entity, if any, on whose 24 behalf you are appearing) 190 W. Huffaker Lane 25 Suite 408 26 Reno, NV (Address)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

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775-827-3100 (Telephone number)

e	Ca	ase 3:73-cv-00127-RCJ-WGC Document 1900 Filed 06/24/13 Page 1 of 2
Ças	e 3	73-cv-00127-MMD-WGC Document 5 FILED 1/13 Pagerved of 45
	1	JUN 2 4 2013
90	2	IN THE UNITED STATES DISTRICT COURT NO CONFIDENCE OF NEVAMENT OF NEVAMENT DISTRICT D
	3	UNITED STATES OF AMERICA,  BY: DEPUTY
	4	Plaintiff,
	5	WALKER RIVER PAIUTE TRIBE, IN EQUITY NO. C-125
42	6 7	Plaintiff-Intervenor, SUBFILE NO. C-125-B
	8	vs. )
	9	WALKER RIVER IRRIGATION DISTRICT, ) a corporation, et al.,
	10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
	11	<ol> <li>I hereby enter my appearance in this sub-proceeding in this case.</li> </ol>
	12	2 Lam filing this document with the District Court at the following address and
	13	as directed on the Notice In Lieu of Summons:
	14 15	Chief Deputy Clerk United States District Court for the District of Nevada
	16	400 South Virginia Street, Suite 301 Reno, Nevada 89501
	17	3. I (or the entity on whose behalf I am acting) will retain all defenses or objections
	18	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect
	19	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
	20	4. If I (or the entity on whose behalf I am acting) have retained an attorney to
	21	represent me in these proceedings, I identify that attorney below, along with his or her mailing
	22	address, telephone number, facsimile number, and e-mail address:
	23	
	24	Attorney:
	25	
	26	Address:
	27	•
	28	
		NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE (service), page 1 of 2

# Case 3:73-cv-00127-RCJ-WGC Document 1900 Filed 06/24/13 Page 2 of 2 Case 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 24 of 45

1	Phone Number:
2	Fax Number:
3	E-mail Address:
4	
5	PLEASE NOTE: Attorneys are reminded that they are required to comply with the
6	electronic filing procedures of the U.S. District Court for District of Nevada.
7	"Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall be in the form prescribed by
8	register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.
9	Nev., Electronic Fining Flocedures (16v. Aug. 24, 2000) at 1.0.
10	
11	
12	Cochell Hair
13	(Signature)
14	
15	Rochelle Hair
16	(Printed or typed Name)
17	
18	
19	(Entity, if any, on whose behalf you are appearing)
20	13155.32md st. #2
21	omaha, NE 68105
22	(Address)
23	760 937 252 (Telephone number)
24	(Telephone number) emaila Rochell Ikin.com
25	
26	
0.0000000000000000000000000000000000000	

#### Case 3:73-cv-00127-MMD-WGC Document 5 Filed

# DENVER. CO WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 1	-7-2013	Signature
	-	DAVID HAMLIN
		 Printed/Typed Name
		If you are acting on behalf of any entity, identify that you are
		 acting as:
		(Title)
		·

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 26 of 45 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Guss Guarino, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: 4-2-2013

Signature

Everett E Harmon (Truster)

If you are acting on behalf of any entity, identify that you are

acting as: <u>trustee</u> of

(Title)

THE EVERETT E. HARMON AND CAROLINE F. HARMON FAMILY TRUST (Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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# Case 3:73-cv-00127-MMD-WGC Declinent 5 Filed 11/21/13 Page 27 of 45 U.S. DEPT. OF JUSTICE ENV. & NAT. RES. DIV.

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS $^{\circ}$

2013 JAN 10 PM 3: 28

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125. Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

(Title)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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#### Ca<mark>s</mark>e 3:73-cv-00127-MMD-WGC D<sub>1</sub> ent 5 Filed 11/21/13 Page 28 of 45 IN THE UNITED STATES DISTRICT COURTER, CO 1 FOR THE DISTRICT OF NEV 2 3 UNITED STATES OF AMERICA, 4 Plaintff 5 WALKER RIVER PAIUTE TRIBE, ) ) 6 Plaintiff-Intervenor IN EQUITY NO. C-125 7 SUBFILE NO. C-125-B VS. 8 WALKER RIVER IRRIGATION DISTRICT, 9 10 a corporation, et al., 11 Defendant 12 13 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 14 I hereby enter my appearance in this sub-proceeding in this case. 1. 15 I am filing this document with the District Court at the following address: 2. 16 Chief Deputy Clerk 17 United States District Court for the 18 District of Nevada 400 South Virginia Street, Suite 301 19 Reno, Nevada 89501 20 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 21 Summons, I am mailing a copy of this document to: 22 Susan L. Schneider Attorney for the United States of America 23 United States Department of Justice Environment & Natural Resources Division 24 999 18th Street, South Terrace - Suite 370 25 Denver, Colorado 80202 26 27 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 1

**EXHIBIT 56** 

# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 29 of 45

- 1	4 02
1	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections
2	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect
3	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
4	5. If I (or the entity on whose behalf I am acting) have retained an attorney to
5	represent me in these proceedings, I identify that attorney below, along with his or her mailing
	address, telephone number, facsimile number, and e-mail address:
6	Attorney:
7	Address:
8	
9	
10	Phone Number:
11	Fax Number:
12	E-mail Address:
13	PLEASE NOTE: Attorneys are reminded that they are required to comply with the
14	electronic filing procedures of the U.S. District Court for District of Nevada.
15	"Attorneys who are admitted to the bar of this court, admitted to participate in a case
16	pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by
17	the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist., Ct., D.
18	Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.
19	Q Jack
20	(Signature)
21	(Printed or typed Name)
22	(Times of types times)
22	Hans Strathma Troot

(Entity, if any, on whose behalf you are appearing)

(Address)

(Telephone number)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

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## Case 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 30 of 45

U.S. DEPT. OF JUSTICE ENV. & NAT. RES. DIV.

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America 2012 DEC 27 PM 2: 34

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 12-21-2012

Signature

Signature

PATRICIA L. HATFIELD

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

\_\_\_\_oı

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

### Case 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 31 of 45

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

. 1 12	Got bole le Hourling
Date: (-2-19)	Signature Cole C. HAWKINS
	Printed/Typed Name
	If you are acting on behalf of any entity, identify that you are acting as:of
	(Title)
	(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date:	/13/2013		Signature Horace W. Green	
- 1			Printed/Typed Name  If you are acting on behalf of any entity, identify that you acting as:  Counsel	ou are
. F		*	(Title) Heiman Family Trust (Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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Case 3:73-cv-00125-RCJ-WGC Document 1137 Filed \$\psi\_3/13/13\$ Page 1 of 2

# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 34 of 45

- 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
- 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Attorney: Horace W. Green Address: Green & Humbert

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220 Montgomery St., Suite 1418 San Francisco, CA 94104

Phone Number: (415) 837-5433 Fax Number: (415) 837-0127

E-mail Address: horaceg@lifehealthlaw.com

<u>PLEASE NOTE:</u> Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.

"Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

(Signature)

(Printed or typed Name)

Heiman Family Trust

(Entity, if any, on whose behalf you are appearing)

220 Montgomery St., Suite 1418

San Francisco, CA 94104

(Address) (415) 837-5433

(Telephone number)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

Case 3:73-cv-00125-RCJ-WGC Document 1136 Filed \$\psi 3/13/13\$ Page 1 of 2

# | Case 3:73-cv-00125-RCJ-WGC | Document 1136 | Filed 03/13/13 | Page 2 of 2 | See 3:73-cv-00127-MMD-WGC | Document 5 | Filed 11/21/13 | Page 36 of 45

I (or the entity on whose behalf I am acting) will retain all defenses or objections 4. 1 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 2 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 3 If I (or the entity on whose behalf I am acting) have retained an attorney to 5. 4 represent me in these proceedings, I identify that attorney below, along with his or her mailing 5 address, telephone number, facsimile number, and e-mail address: 6 Attorney: Horace W. Green 7 Address: Green & Humbert 220 Montgomery St., Suite 1418 8 San Francisco, CA 94104 9 10 Phone Number: (415) 837-5433 (415) 837-0127 11 Fax Number: E-mail Address: horaceg@lifehealthlaw.com 12 13 PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada. 14 15 "Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall 16 register as Filing Users of the System. Registration shall be in the form prescribed by 17 the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C. 18 19 (Signature) 20 race W. Green 21 (Printed or typed Name) 22 Residual Trust of Heiman Family Trust 23 (Entity, if any, on whose 24 behalf you are appearing) 25 220 Montgomery St., Suite 1418 26 San Francisco, CA 94104 (Address) 27 (415) 837-5433 28 (Telephone number)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/1	13/2013		Signature Horace W. Green	
			Printed/Typed Name	1.40
	48 841	* * *	If you are acting on behalf of any entity, identify that y acting as: Counsel	ou are
10 B *1			(Title) Residual Trust of Heiman Family Trust	
-	a, *		(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 38 of 45

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

COPY FOR YOUR v-00127-MMD-WGC Document 5 Filed 11/21/13 Page 39 of 45

> WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS 2812 DEC 20 PM 4: 25

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

)ec. 15,2012

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: (Title)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

**EXHIBIT 62** 

# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 41 of 45

4. I (or the entity on whose behalf I am acting) will retain all defenses or objections 1 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 2 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 3 5. If I (or the entity on whose behalf I am acting) have retained an attorney to 4 represent me in these proceedings, I identify that attorney below, along with his or her mailing 5 address, telephone number, facsimile number, and e-mail address: 6 We have not petained an attori Attorney: 7 Address: 8 9 10 Phone Number: 11 Fax Number: E-mail Address: 12 13 PLEASE NOTE: Attorneys are reminded that they are required to comply with the 14 electronic filing procedures of the U.S. District Court for District of Nevada. 15 16 17 Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C. 18

"Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D.

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NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

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## Case 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 42 of 45

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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J. 1	(or the entity on who	se benali i am actin	g) will retain all de	efenses or objection	ms to the laweuit
or to the jur	isdiction or venue of	the Court except for			nis to the lawsuit
C	to tende of	and Court except 101	objections based	on a defect in the	Notice in Lieu of
Summons o	r in the service of the	Notice in Lieu of			

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

# Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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## Case 3:73-cv-00127-MMD-WGC Document 5 Filed 11/21/13 Page 43 of 45

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

# TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defeot in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 12-18-12

Signature GCORGE W. HOLLENDER Printed Typed Name

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_\_\_\_\_(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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- 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
- 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Attorney:

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Address:

Phone Number:

Fax Number:

E-mail Address:

<u>PLEASE NOTE:</u> Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.

"Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

(Signature)

Printed or typed Name)

GEORGE W. HOLLENDER

(Entity, if any, on whose behalf you are appearing)

COLEVITE, CA. 96107 (Address)

530 495-27

(Telephone number)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE